

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

HOTEL BEL-AIR

and

Case 31-CA-074675

UNITE HERE, LOCAL 11

ORDER

The Employer's petition to revoke subpoena duces tecum B-638786 is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena.¹ See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., August 6, 2012.

MARK GASTON PEARCE,	CHAIRMAN
BRIAN E. HAYES,	MEMBER
RICHARD F. GRIFFIN, JR.,	MEMBER

¹ In considering the petition to revoke, we have evaluated the subpoena in light of the Region's statement that it is willing to clarify the scope of the subpoena so that the term "applicant" is defined as "any individual applying for a position or positions at the Employer, which positions perform, in whole or substantially, work that was previously performed by employees in the bargaining unit as described in Section 3.A. of the August 16 to September 30, 2009 collective-bargaining agreement." (Region's Opposition, pp. 7-8.) It appears that the Region's reference to "August" 16 is a typographical error, and we have interpreted this as a reference to the parties' collective-bargaining agreement effective from April 16, 2006 to September 30, 2009.